GOVERNMENT OF INDIA
WOMEN AND CHILD DEVELOPMENT
LOK SABHA

UNSTARRED QUESTION NO:4353
ANSWERED ON:11.08.2017
Signing of Hague Convention on Child Abduction
Karandlaje Km. Shobha;Simha Shri Prathap

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

(a) whether it is a fact that India is not a signatory of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, that seeks to protect children from wrongful removal across international borders and if so, the reasons for not signing the Treaty;
(b) whether with increasing cases of parental child abduction, the Government plans to rethink its position on the Treaty and if so, the details thereof;
(c) whether by signing the Hague Convention, India will be compelled to recognise a foreign judgement regardless of the justness of the decision on custody under Indian law or was delivered ex-parte and if so, the details thereof ;
(d) whether Law Commission has recently given its recommendations on this issue and if so, the details thereof; and
(e) whether India does not recognise removal of child by a parent as an offence and if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI KRISHNA RAJ)

(a) to (c): India is not a signatory of the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The Ministry has held a multi-stakeholder National Consultation on 3rd February 2017 to discuss the issue, keeping in mind the Indian realities and existing Indian Constitutional provisions. Subsequently, a multi member Committee has been constituted under the chairmanship of head of the Chandigarh Judicial Academy, Chandigarh to examine and comment on different aspects involved in the issue.

(d): The report of the 263rd Law Commission is available at: http://lawcommissionofindia.nic.in/reports/Report263.pdf

(e) These issues are dealt as per existing laws covering family and related issues.

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